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1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5341  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-183

13 **KENNETH STEWART AYALA**  
14 **5246 N. 2nd Street**  
15 **Fresno, California 93710**  
16 **Registered Nurse No. RN 491987**

**A C C U S A T I O N**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about August 31, 1993, the Board issued Registered Nurse Number RN 491987  
24 to Kenneth Stewart Ayala ("Respondent"). The registered nurse license will expire on April 30,  
25 2011, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (f) Conviction of a felony or of any offense substantially related to the  
11 qualifications, functions, and duties of a registered nurse, in which event the record of  
the conviction shall be conclusive evidence thereof.

12 6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,  
13 or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to  
14 proceed with a disciplinary action during the period within which the license may be renewed,  
15 restored, reissued or reinstated.

### 16 COST RECOVERY

17 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licensee found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

### 21 BACKGROUND

22 8. On November 29, 2008, Respondent summoned an ambulance to his home for his 21  
23 year-old son J. A. When the paramedics arrived at the single family dwelling, they found every  
24 room in the home was stacked with trash and debris. Urine and fecal matter were found  
25 throughout the home. The kitchen had spoiled food intermingled with unspoiled food. Dishes  
26 and garbage were overflowing the kitchen sink and there was no clean area to safely prepare food.  
27 J. A. was found in his room, semi-conscious, literally rotting in his bed. J. A. was lying on his  
28 back with dead and live maggots in and on his body from the mid-abdomen to his feet. The

1 maggots were layered in stages indicating that he had been infested for several weeks. J. A.'s  
2 lower body was covered in feces, had open sores and lacerations, and body fluid burns from  
3 acidic urine. Also living in the home and subjected to these unsafe conditions were John and Jane  
4 Doe, the 8 and 9 year-old children of Jana Leann Price, Respondent's wife. John and Jane Doe  
5 were not Respondent's children. Child Protective Services took custody of John and Jane Doe.

### 6 CAUSE FOR DISCIPLINE

#### 7 Criminal Conviction

8 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in  
9 that on December 23, 2008, in the Superior Court, County of Fresno, California, in the matter  
10 entitled *People v. Kenneth Stewart Ayala*, (2008), Case No. M08929101, Respondent was  
11 convicted following his plea of no contest to a violation of Penal Code section 273a, subdivision  
12 (b) (cruelty to a child by endangering health), a misdemeanor. The circumstances of the crime  
13 are that on or about November 29, 2008, Respondent while having care and custody of Jane Doe  
14 and John Doe, children aged 8 and 9 years of old, who, under circumstances and conditions did  
15 willfully cause and permit the person and health of said children to be injured, and did willfully  
16 cause and permit said children to be placed in such a situation that their person and health may be  
17 endangered.

#### 18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse Number RN 491987, issued to Kenneth  
22 Stewart Ayala;

23 2. Ordering Kenneth Stewart Ayala to pay the Board of Registered Nursing the  
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
25 Professions Code section 125.3; and,

26 ///

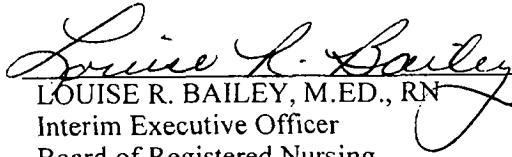
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3. Taking such other and further action as deemed necessary and proper.

DATED: 9/28/09



LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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